

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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DIESEL S.p.A.; and DIESEL U.S.A., INC.,

Plaintiffs,

-against-

DIESEL POWER GEAR, LLC,

Defendant.

1:19-cv-9308-MKV

ORDER

MARY KAY VYSKOCIL, United States District Judge:

On March 30, 2022, the Court granted the motion of Plaintiffs for summary judgment on the issue of liability. [ECF No. 54]. In that Opinion and Order, the Court directed the parties to confer and to submit a joint letter within 21 days after the date of that Opinion and Order addressing proposals for the remaining phase of this case. [ECF No. 54].

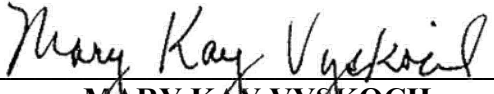
The parties timely filed their joint letter. [ECF No. 56]. In that letter, and in a subsequent letter-motion, Plaintiffs ask the Court, in light of the Court's ruling on liability, to enter a permanent injunction against Defendant. [ECF Nos. 56, 57]. Plaintiffs also request that the Court permit them to move for summary judgment on the issue of damages and attorneys' fees. [ECF No. 56]. Defendant opposes entry of a permanent injunction [ECF No. 58] and opposes leave for Plaintiffs to file a motion for summary judgment, contending that there are factual issues pertaining to damages [ECF No. 56]. Defendant also asks that, should the Court grant Plaintiffs leave to move for summary judgment, that the Court also allow Defendant to cross-move for summary judgment on damages and attorneys' fees. [ECF No. 56].

With respect to the parties' request for leave to move for summary judgment on the issue of damages and attorneys' fees, section 4.A.i. of this Court's individual rules requires that parties wishing to file a motion for summary judgment, prior to filing any motion, request a pre-motion

conference with the Court. Therefore, to the extent that either party seeks leave to file a motion for summary judgment on the issue of damages and attorneys' fees, the deadline for the parties to file such a pre-motion letter request is within 21 days of this order. The parties are directed to review this Court's individual rules and ensure compliance therein.

SO ORDERED.

Date: May 17, 2022
New York, NY



MARY KAY VYSKOCIL
United States District Judge